THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.21415 of 2007

Between:

Smt.Majaz Jahan.

.. PETITIONER

and

The District Collector and others.

.. RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.21415 of 2007

ORDER:

Heard the learned counsel appearing for the petitioner and the learned

Government Pleader for Revenue appearing for the respondents.

It is the case of the petitioner that she purchased the land admeasuring 1210 sq. yards in respect of plot bearing Nos.380 to 385 in Sy.No.79/2 situated at Rekurthi village, Karimnagar Mandal and District, from her vendor, after verifying the revenue records that it is not an assigned land and the said land is a patta land. While so, the Tahsildhar, Karimnagar, issued notice to the so-called assignee, but not to the petitioner, even though she purchased land and in possession of the same. As no explanation was received pursuant to the said cause notice, the Tahsildar, Karimnagar, passed impugned orders in File Nos.B/400/2007 and B/401/2007, in exercise of powers conferred under Section 4(1) (a) and (b) of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977, (for short "the Act") on the ground that the said land is an assigned land and the assignee transferred the land in favour of the petitioner in violation of Section 3(2) of the Act and accordingly, while cancelling the assignment order, resumed the land in question into the Government custody.

Learned counsel appearing for the petitioner submits that as per Rule 3 of A.P.Assigned Lands (Prohibition of Transfer) Rules, 2007, the Authorised Officer before passing order under Section 4(1) (a) and (b) of the Act, shall issue notice in Form-I to the assignee and Form-II to the transferee of the said assigned land. But, in the instant case, notice in Form-II has not been served on the transferee and, therefore, the impugned orders passed by the Tahsildhar, Karimnagar, are illegal and contrary to the provisions of the Act.

I am not inclined to express any opinion on the merits of the case, as, admittedly, the impugned orders are appealable orders and the material available on record goes to show that notice has not been served on the petitioner and final order has not been furnished to the petitioner. But, however, on instructions, the learned Government Pleader for Revenue appearing for the respondents, produced copies of the final orders before this Court. As the copies of the final orders are made available, I am of the opinion that it is just and proper to permit the petitioner to file appeal under

Section 4-A (1) of the Act before the Revenue Divisional Officer, Karimnagar District.

Accordingly, the writ petition is disposed of permitting the petitioner to file appeal against the impugned orders passed by the Tahsildar, Karimnagar, in proceedings Nos.B/400/2007 and B/401/2007, within two weeks from the date of receipt of a copy of this order. Pending disposal of the appeal, the respondents are directed not to dispossess the petitioner from the plots in question. If no such appeal is filed within two weeks from the date of receipt of a copy of this order, the order passed by this Court shall stand vacated and it is open for the respondents to take appropriate action, pursuant to the impugned orders. There shall be no order as to costs.

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12-10-2007

Prv